ENGLISH LAWYERS.

LORD KINGSDOWN'S RECOLLECTIONS OF THE BAR.

Lord Kingsdown's "Recollections of his Life at the Bar and in Parliament," recently printed in London for private circulation, is elaborately reviewed in the last number of the *Edinburgh*. Of the author that magazine observes:—"It was the deliberate opinion of the eminent judges who shared the labors of Lord Kingsdown at the Privy Council and in the House of Lords, as well as of the leading members of the bar who practised before him in those Courts of Appeal, that no man in our times has possessed and combined in an equal degree the highest qualities of the judicial mind. To quickness of perception and subtlety of intellect he united a faculty of order which seemed as if by magic to assign to every argument and every fact its proper value, so that the obscure became clear and the intricate plain. To the cases before him, thus stripped of all disguise, he applied with certain knowledge the fixed mechanism of law, and at times the broad principles of jurisprudence, unfettered by technicality. Similar method and clearness of perception seem to have been brought to the preparation of Lord Kingsdown's volume of "Recollections," from which we give a few extracts below:—

A FAST-WORKING VICE-CHANCELLOR.

When Sir John Leach was first Vice-Chancellor, his first interruptions were incessant. As soon as he understood, or fancied he understood the facts, he would hardly listen to argument. He trusted to his knowledge of the principles of equity, and imagined that any decided case which did not square with his notions must be bad law. He came on the bench with a full determination to clear off the arrears of his court, which in two or three years he effected; but he done it by never hearing a case through; by deciding against the plaintiff on the opening, or against the defendant without hearing a reply; and there was equal truth and wit in a remark of Rose, in answer to somebody who was speculating on what the Vice-Chancellor would do when he got through all the causes in his court. "Do? why he will hear the other side." The contrast of Lord Eldin's slowness made his rapidity more celebrated, and his fame in that respect penetrated where it could hardly have been expected to reach. I remember seeing a coach between Preston and Blackpool, which, to denote its speed, was called "the Vice-Chancellor."

The effect of these proceedings on the part of the judge was to lead to constant altercations between him and the bar, which proceeded to such an extent that at one time he had determined to commit Sir E. Sugden, who, with much the same temper and courage, had a wonderful knowledge of cases, which each esteemed very lightly. He called into his room some of the leading counsel—I believe all the Queen's counsel—to speak to them on the subject; but they all dissuaded him from so violent a step, and, I believe, told him that his own violence was the cause of the unpleasant scenes which occurred. No judge that ever existed could have disposed of the same quantity of business in the same time without innumerable mistakes. The offensive manner in which he acted exasperated the counsel, and often occasioned appeals which otherwise they would not have been brought, and the result was that Lord Eldon was more overpowered than ever, and his dilatoriness was more exposed to remark; for the whole of his time was occupied in rehearing matters which had already been before the Vice-Chancellor; the business was as much in arrear as ever in his court, and the suitor was subjected in all doubtful cases to the expense and delay of two hearings, instead of having its merits disposed of by one hearing before Lord Eldon. The old Chancellor was naturally nettled and vexed, and could not always restrain the expression of his feelings. Every word that could anger Leech was of course carefully repeated to him, often probably with additions, by the counsel whom he had offended; and the Vice-Chancellor was on no better terms with his chief than with the Bar.

SIR SAMUEL ROMILLY.

When I knew Sir Samuel Romilly his business was so great, and he was so much engaged in politics, that, in spite of his great industry, he was seldom master of his case when he opened it. Having the complete lead of the court, he was almost always for the plaintiff or the petitioner, and had therefore to begin. I have often seen his briefs with a short abstract of the facts and dates on the back of the first sheet, which had been made by some one who had read the brief for him (usually, I believe, his nephew), and from this, and what he had picked up at consultation, he was accustomed to state his case; his opening, therefore, was often loose, sometimes purposely so, in order to allow greater scope for the reply. This course, very convenient for a counsel, but not very fair towards his opponents, was encouraged by the habits of Lord Eldon, who always heard a case from the beginning to the end, though his opinion was probably made up as soon as he had collected the facts, and who used to justify the practice by saying, half in jest and half in earnest, that when the defendants had failed in satisfying him that the plaintiff was wrong, the plaintiff's counsel often succeeded in doing so in his reply.

As an advocate I think Sir Samuel Romilly approached in his own line as near perfection as it is possible for man to attain. He was familiar with the law and the practice of the court himself, and was aware that they were equally well known to the judges whom he addressed; he did not, therefore, waste time in arguing points which were untenable; he transacted the ordinary run of business like a man of business, without aiming at anything more, *par negotiis neque supra*. But when any great occasion arose, especially when he came to reply at the close of a long and important case, in which the feelings were at all engaged, nothing could be finer.

* * * Whether, if Sir Samuel Romilly had lived to attain the Chancellorship he would have been as great as a judge as he was at the bar must be considered as doubtful, having regard to the very rare instances in which the same men have been equally eminent in both characters. He seemed to possess all the requisites, but he might have been found deficient in the temper and patience which, though the least showy, are not the least important qualities of a judge.

A CURIOUS STORY—WHAT CAME OF A FAMILY LAWSUIT.

In 1830 an event happened which has decided the course of my subsequent life. Sir Robert Leigh, who had retired from Parliament in 1820, and had amassed by prudence and frugality a very large property, in addition to his patrimonial estate, though he had always been fond of Mr. and Mrs. Cooke, had kept up no intercourse with the rest of the family, and, indeed, had apparently an aversion to them. The family estates had been settled by his father, in default of issue of his own body, on the issue of his brother (my grandfather), and would have been divided, therefore (if the limitation had taken effect) amongst his five daughters, of whom my mother was the eldest. This settlement had greatly annoyed Sir Robert, and indisposed him towards those who had the chance of benefiting by it. In 1828 or 1829 he quarrelled with the rector of Wigan, had claimed tithes of the Hindley Hall estate, which Sir Robert insisted was covered by a Farm Modus. The rector filed a bill in Chancery, and set down his cause at the Rolls. Sir Robert endeavored to retain Bickersteth, and was very angry when he found that he was retained on the other side. Still greater was Sir Robert's vexation when he was told that I was the next in business in the court, and that he must engage me. He submitted, however, though I believe with a very bad grace, said I was a mere boy, and, in short, considered his case as sacrificed. When his attorney, Mr. Gaskell, who was a perfect stranger to me, came to the consultation, I observed that I believed I had some interest, or might have some interest in the estate; when he informed me that the entail had been found faulty, and that Sir Robert had barred the remainder, after the limitations to his own issue and his brother, and their issue male. This did not much disturb me. On looking into the evidence I found that there was a fatal blot in our case. In order to maintain a Farm Modus, it was necessary to state precisely what lands were covered by it, and, if any were improperly included or improperly omitted, the Modus was held to be ill laid, and a decree went against the defendant. On looking at an old man of the estate, I found that a small piece of land, taken in from Pennington Green some fifty years before, was included in our answer as part of the ancient farm; the only chance for us was that the blot might not be hit.

We went into court on the memorable morning of the hearing of the cause—memorable to me from its consequences—with not much confidence; and up to this time I had never seen Sir Robert in the course of the proceedings, though I learned afterwards that he had attended the Rolls Court for several days before, in order to judge how far he was likely to be ruined by the inability of the counsel. I fancy that he was a little reassured.

In the course of the argument for the plaintiff poor Sutton Sharpe, who was with Bickersteth, made an attack on Sir Robert's grandfather, who had been a great attorney at Wigan, to whose artifices he attributed a part of the circumstances which appeared favorable to the defendant. I had therefore the double task of vindicating my ancestor and maintaining the Modus, and succeeded so well that, after the case was over, judgment being reserved, Sir Robert came up and introduced himself to me, loaded me with compliments the most extravagant and absurd; said I had vindicated the name of the family, and done everything that could be done for the case, and now he did not care what was the result of it, he was perfectly satisfied. A few days afterwards his joy was complete by a judgment being pronounced in his favor. Though the matter could not have been one of £50 a year in value, he was as deeply interested in it as if it had involved as many thousands. In the following year his brother Roger died, principally in consequence of the violent injuries which he had sustained at the Wigan election. In the autumn of that year I paid Sir Robert a visit for a few days at Hindley, when he received me with the greatest affection, said I was welcome to the hall of my ancestors, and set me at the top of the table, with the important words:—

"Aggredere, et votis jam nunc adsuesce vocari."

Soon afterwards he publicly announce me as his heir, and showed me his will, which he had executed before going to the election at Wigan in June, 1831, when I believe he fully expected to be murdered, and where the event all but justified his apprehension.

It has always seemed to me that my introduction to Sir Robert Leigh is one of the most remarkable examples which I have ever seen of the important effects produced by circumstances apparently trivial, and which we are accustomed to call fortuitous. If the cause had come on for hearing some months earlier, or been set down in another court, I should probably have had nothing to do with it. If Bickersteth had not been already retained for the plaintiff, no doubt I should have been his counsel, and should have been obliged, probably, to make the observations which gave so much offense to Sir Robert when made by Sharpe. At all events, I must have contended against his interest, and probably might have defeated him by observing the blot to which I have alluded, and which he would naturally have considered as a mere trick. In any event, the chance is that I should have lost or have failed to gain some £12,000 or £14,000 a year.